

under his own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

allowing
option to
persons
concerned of
executing
the same.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the corporation shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

Expenses
in such cases
by whom to
be paid.

CHAPTER X.

WATER-SUPPLY.

Construction and Maintenance of Municipal Water-Works.

261. For the purpose of providing the city with a supply of water proper and sufficient for public and private purposes, the Commissioner, when authorized by the corporation in this behalf, may—

General
powers for
supplying
the city
with water.

- (a) construct and maintain water-works, either within or without the city, and do any other necessary acts ;
- (b) purchase or take on lease any water-work or any water or right to store or to take and convey water, either within or without the city ;
- (c) enter into an arrangement with any person for a supply of water.

262. The Commissioner shall manage all water-works belonging to the corporation—all which water-works are in this Act referred to as “municipal water-works”—and maintain the same in good repair and efficient condition and shall cause all such alterations and extensions to be from time to time made in the said water-works as shall be necessary or expedient for improving the said works.

Municipal
water-works
to be
managed
and kept
in repair
by the
Commis-
sioner.

263. (1) The Commissioner, and any person appointed by Government under section 264 in this behalf, may, for the purpose of inspecting or repairing or executing any work in, upon or in connection with any municipal water-work, at all reasonable times—

Power of
access to
municipal
water-
works.

- (a) enter upon and pass through any land, within or without the city, adjacent to or in the vicinity of such water-works, in whomsoever such land may vest ;
- (b) convey into and through any such land all necessary materials, tools and implements.

(2) In the exercise of any power conferred by this section, as little damage as can be shall be done, and compensation for any damage which may be done in the exercise of any of the said powers shall be paid by the Commissioner, or, if any person appointed under section 264 by Government has caused the damage, by Government.

Inspection
of municipal
water-
works by
persons
appointed
by Govern-
ment.

264. Any person appointed by Government in this behalf shall at all reasonable times have liberty to enter upon and inspect any municipal water-work.

Power of
carrying
water-
mains, etc.

265. The Commissioner shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water-mains, pipes and ducts within or without the city, as he has and is subject to under the provisions hereinbefore contained for carrying, renewing and repairing drains within the city.

Fire-
hydrants
to be pro-
vided.

266. The Commissioner shall cause ~~fire-hydrants~~ and all necessary works, machinery and assistance for supplying water in case of fire to be provided and maintained ; and shall have painted or marked on the buildings and walls or in some other conspicuous manner, within the streets, words or marks near to such hydrants to denote the situation thereof, and shall cause a hydrant-key to be deposited at each place within the city where a municipal fire-engine is kept, and do such other things for the purpose aforesaid as he shall deem expedient.

Prohibition
of building
and other
acts which
would injure
sources of
water-
supply.

267. (1) Except with the sanction of the corporation and, in the case of the Vchar water-works, of Government, or, for the purposes of section 262, under the authority of the Commissioner, no person shall—

- (a) erect any building for any purpose whatever within the limits of the water-shed of any lake or reservoir from which a supply of water is derived for any municipal water-work ;
- (b) extend, alter or apply to any purpose different to that to which the same has been heretofore applied, any building already existing within the said limits ;
- (c) carry on, within the said limits, any operation of manufacture, trade or agriculture in any manner, or do any act whatsoever, whereby injury may arise to any such lake or reservoir or to any portion thereof, or whereby the water of any such lake, tank or reservoir may be fouled or rendered less wholesome.

(2) The limits of the water-shed of the Vehar lake shall, for the purposes of this section, be deemed to be the limits defined in a plan marked "B," authenticated by the signatures of the Governor and Members of Council, and deposited in the office of the Secretary to the Government of Bombay.

268. (1) Without the written permission of the Commissioner, no Buildings, building, wall or other structure shall be newly erected, and no street or railway etc., not to be erected shall be constructed, over any municipal water-main. over municipal water-

(2) If any building, wall or other structure be so erected, or any street or railway be so constructed, the Commissioner may, with the approval of the standing committee, cause the same to be removed or otherwise dealt with as to him shall appear fit, and the expenses thereby incurred shall be paid by the person offending. without permission.

Public gratuitous Water-Supply.

269. (1) All existing public drinking-fountains, tanks, reservoirs, Vesting of cisterns, pumps, wells, ducts and works for the supply of water for the gra- public tuitous use of the inhabitants of the city shall vest in the corporation and be drinking under the control of the Commissioner. fountains, etc., in the corporation.

(2) The Commissioner may maintain the said works and provide them with water, and, when authorized by the corporation in this behalf, may construct any other such works for supplying water for the gratuitous use of the inhabitants of the city :

(3) Provided that water carried away by any of the inhabitants from any such work shall be taken only for his private use and not for sale, and shall not, except with the written permission of the Commissioner, be carried away in a cask, cart, pakhal or masak.

(4) The Commissioner may temporarily, and with the approval of the corporation permanently, close any of the said works, either entirely or partially.

(5) In case any such work is permanently closed, either entirely or partially, by the Commissioner, the site thereof, or of the portion thereof which is so closed, and the materials of the same may be disposed of as the property of the corporation: Provided that if any such work, which is permanently closed, either entirely or partially, was a gift to the public by some private person, the said site and materials or the proceeds of the sale thereof shall, unless by reason of their value being insignificant or for other sufficient reason the corporation think fit to otherwise direct, be applied to or towards some local work of public utility bearing the name of such person, or

to or towards any such local work which shall be approved by the corporation and by the heirs or other representatives, if any, of the said person.

Public drinking-fountains, etc., may be set apart for particular purposes.

270. (1) The Commissioner may assign and set apart each of the said works and the water therein for use by the public for such purpose only as he shall think fit, and shall cause to be indicated, by a notice affixed on a conspicuous spot on or near each such work, the purpose for which the same is so assigned and set apart.

(2) No person shall make use of any such work or of any water therein for any purpose other than the purpose for which the same has been so assigned or set apart.

Private Water-supply.

Applications for private water-supply from whom to be received.

271. (1) Communication-pipes for conveying to any premises a private supply of water from a water-main or other municipal water-work shall not ordinarily be connected with the main or other water-work except on the written application or with the written assent of the owner of the premises or of the person primarily liable for the payment of property-taxes on the said premises.

Commissioner may in certain cases require owners to obtain private water-supply.

(2) But if it shall appear to the Commissioner that any premises, situate within any portion of the city in which a public notice has been given by the Commissioner under clause (b) of section 141, are without a proper supply of pure water, the Commissioner shall, by written notice, require the owner of the said premises or the person primarily liable for the payment of property-taxes thereon, to obtain a supply from a municipal water-work adequate to the requirements of the persons usually occupying or employed upon the said premises, and to provide communication-pipes and do all such works as may be necessary for that purpose.

Making and renewing connections with municipal water-works.

¹ [**272.** (1) No connection with any municipal water-work shall be made or renewed—

(a) except by a municipal officer or servant empowered in that behalf by the Commissioner; and

(b) until the certificate specified in sub-section (4) has been given.

² [(2) In every case where a new connection with a municipal water-work is made or an existing connection requires renewal, all necessary communication-pipes and fittings, from and including the ferrule on the supply

¹ Sections 272, 273 and 273A were substituted for sections 272 and 273 by s. 38 of the City of Bombay Municipal (Amendment) Act, 1965 (Bom. Act 5 of 1965), Vol. IV of this Code.

² This sub-section was substituted by s. 10 of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

main up to and including the stop-cock nearest the supply main, shall be supplied by the Commissioner, and the work of laying and applying such communication-pipes and fittings shall be executed by municipal agency under the Commissioner's orders; and the cost of all such materials and work shall be charged to the municipal fund.]

(3) Every such new connection or renewed connection with its communication-pipes and fittings up to and including its stop-cock as aforesaid shall thereafter vest in the corporation and be maintained at the charge of the municipal fund as a municipal water-work.

(4) All communication-pipes and fittings beyond the said stop-cock shall be laid and applied under the supervision of a municipal officer appointed by the Commissioner in that behalf, who shall give and sign a certificate, free of charge, when such communication-pipes and all necessary fittings and work have been laid, applied and executed in a satisfactory manner and when proper and sufficient arrangements have been made for draining off waste water.

(5) Where any communication-pipe or fitting is laid, applied, added to or altered, or any connection is made in contravention of this section, the Commissioner may, with the previous approval of the standing committee, remove such communication-pipe, fitting or connection, and make good such water-work; and the expenses incurred by him in so doing shall be paid by the owner or occupier of the premises in which or for supply to which such communication-pipe or fitting has been laid, applied, added to or altered, or such connection has been made, or by the person offending.]

¹ [273. The Commissioner may, if he thinks fit, take charge on behalf of the corporation of all communication-pipes and fittings of any existing private service connected with any municipal water-work up to and including the stop-cock nearest the supply main for the said service, and the same shall thereafter vest in, and be maintained at the expense of, the corporation as a municipal water-work.] Commissioner may take charge of private connections.

¹ [273A. The Commissioner may, if at any time he deems it expedient to alter the position of an existing connection with any municipal water-work, or of the communication-pipes or fittings thereof, and after giving to the owner of such communication-pipes, or fittings not less than four days' previous notice of his intention so to do, cause the said connection to be moved to such other position as he thinks fit, and cause any or all of the said communication Power of Commissioner to alter position of connections.

¹ See footnote 1 on p. 160, *supra*.

pipes and fittings to be relaid and applied, or others to be laid and applied, in lieu thereof, in such position as he may direct; and in every such case such removal and alteration shall be carried out at the expense of the municipal fund and the new connection, with its communication-pipes and fittings up to and including the stop-cock nearest the supply main, shall thereafter vest in the corporation and be maintained at the charge of the municipal fund as a municipal water-work.]

Provisions as to storage cisterns and other fittings, etc., to be used for connections with water-works.

274. (1) The Commissioner may, whenever it shall appear to him to be necessary, by written notice require that any premises furnished with a private water-supply from any municipal water-work shall, within a reasonable period, which shall be prescribed in the said notice, be provided with a storage-cistern of such size, material, quality and description, and with such fittings and placed in such position ¹[and with such means of access] as he thinks fit.

(2) The Commissioner shall also from time to time prescribe the size, material, quality, description and position of the pipes, taps, cocks and other fittings to be employed for the purposes of any connection with, or of any communication from, any municipal water-work, and no such connection or communication shall be made by any person otherwise than as so prescribed.

² [(3) The Commissioner shall likewise prescribe the size, material, quality and description of the pipes, taps, cocks and other fittings to be employed for the purpose of replacing any pipes, taps, cocks and other fittings found on an examination under section 278 to be so defective that they cannot be effectively repaired.]

Communication-pipes, etc., to be kept in efficient repair by owner or occupier of premises.

³[**275.** (1)] It shall be incumbent on the owner or occupier of any premises to which a private water-supply is furnished from any municipal water-work, to keep in efficient repair every pipe conveying water from the said water-work to such premises and every meter for measuring water, not being a municipal meter, and every tap, cock or other fitting and every storage-cistern in or connected with any such pipe, so as effectually to prevent the water from running to waste.

⁴ [(2) When an occupier of any premises is served with a notice under sub-section (2) of section 278, he may, after giving to the person to whom he

¹ These words were inserted by s. 11 (a) of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

² This sub-section was added by s. 11 (b) *ibid.*

³ Section 275 was numbered sub-section (1) of section 275 by s. 12 *ibid.*

⁴ This sub-section was added by *ibid.*

is responsible for the payment of his rent five days' notice in writing, himself have the repairs executed and in such event he shall be entitled to deduct from any rent due by him to such person the actual expenses incurred by him in complying with the notice served under sub-section (2) of section 278 : provided that nothing in this section shall affect the liabilities of parties under leases executed before the 1st day of April 1918.]

276. (1) Where water is supplied by measurement, the Commissioner may either provide a meter and charge the consumer for the same such rent as shall from time to time be prescribed in this behalf by the standing committee, or may permit the consumer to provide a meter of his own of such size, material and description as the Commissioner shall approve for this purpose.

Provision of meters when water is supplied by measurement.

(2) The Commissioner shall at all times keep all meters and other instruments for measuring water, let by him for hire to any person, in proper order for correctly registering the supply of water, and in default of his so doing such person shall not be liable to pay rent for the same during such time as such default continues.

277. Where water is supplied by measurement, the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity consumed.

Register of meter to be evidence.

Inspection.

278. (1) The Commissioner may make an inspection of any premises to which a private water-supply is furnished by the corporation, in order—

Commissioner, etc., may inspect premises in order to examine meter, communication-pipes, etc.

(a) to remove, test, examine and replace any meter for measuring water ; or

(b) to examine the communication-pipes and the taps, cocks and other fittings thereof, and the storage-cisterns connected therewith ; or

(c) to see if there be any waste or misuse of water.

(2) The Commissioner may, by written notice, require the owner or occupier of the premises to remedy any defect which shall be found to exist in any such meter, not being a municipal meter let to him for hire, or in any such communication-pipe, tap, cock or other fitting or cistern.

Cutting off private water-supply.

279. (1) The Commissioner may *** cut off the connection between any municipal water-work and any premises to which a private water-supply is

Power to cut off private water-supply or to turn off water.

¹ The words " with the sanction of the standing committee," were repealed by s. 2 of the City of Bombay Municipal (Amendment) Act, 1913 (Bom. Act 6 of 1913), Vol. V of this Code.

furnished by the corporation or turn off the water from such premises in any of the following cases, namely :—

- (a) in default of payment of any instalment of water-tax or of any sum due for water within fifteen days after a bill for such tax or sum has been duly presented ;
- (b) if the owner or occupier of the premises neglects, within the period prescribed in this behalf in any notice given under sub-section (1) of section 274, to comply with any requisition made to him by the Commissioner regarding the provision of a storage-cistern¹ [or the means of access thereto] ;
- (c) if the owner or occupier of the premises fails, within the period prescribed in this behalf in any notice given under sub-section (2) of section 278, to put any such cistern or any pipe conveying water from any municipal water-work or any tap, cock or other fitting thereof into good repair, so as effectually to prevent the water from running to waste² [or in the event of such pipe or fitting being replaced instead of repaired, he fails to use articles of the kind prescribed under sub-section (3) of section 274] ;
- (d) if after receipt of a written notice from the Commissioner requiring him to refrain from so doing, the owner or occupier of the premises continues—
 - (i) to use the water, or to permit the same to be used in contravention of any by-law made under this Act or of any condition prescribed under sub-section (2) of section 169 ;
 - (ii) when payment for the water is not made by measurement to permit any person not residing on premises in respect of which water tax is paid to carry away from such owner's or occupier's premises water derived from the municipal water-work ;
- (e) if the owner or occupier of the premises wilfully or negligently injures or damages his meter or any pipe conveying water from any municipal water-work³ [or any fitting thereof] ;

¹ These words were added by s. 13 (a) of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

² These words and figures were added by s. 13 (b) *ibid.*

³ These words were added by s. 13 (c) *ibid.*

¹ [(f) if the owner or occupier of the premises fails to comply with any requisition made on him by the Commissioner under sub-section (2) of section 287B, to furnish the name of the licensed plumber :]

² [Provided that—

(i) in cases under sub-clauses (a), (b), ³[(d) and (f)] the Commissioner shall not take action without the sanction of the Standing Committee.

(ii) in cases under sub-clauses (c) and (e) the Commissioner shall not take action unless written notice of not less than twenty-four hours has been given to the owner or occupier of the premises.]

(2) The expense of cutting off the connection or of turning off the water in any such case as aforesaid shall be paid by the owner or occupier of the premises.

280. No person to whom water is supplied by measurement or on payment of a fixed periodical sum shall contravene any condition prescribed under sub-section (2) of section 169 for the use of such water, or permit any such condition to be contravened. Conditions as to use of water not to be contravened.

⁴ [280A. The Commissioner shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing private water mains, pipes and ducts as he has and is subject to under the provisions hereinbefore contained for carrying, renewing and repairing private drains.] Powers of Commissioner to carry private mains through land belonging to other persons.

281. No water-pipe shall be laid in a drain, or on the surface of an open channel or house-gully, or within twenty feet of a cesspool, or in any position where the pipe is likely to be injured or the water therein polluted; and no well or tank, and except with the consent of the Commissioner no cistern shall be constructed within twenty feet of a ⁵ [privy, water-closet or] cesspool. Water-pipes, etc., not to be placed where water will be polluted.

¹ This clause was inserted by s. 13 (d) of the City of Bombay Municipal (Amendment) Act 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

² This proviso was added by s. 2 of the City of Bombay Municipal (Amendment) Act, 1913 (Bom. Act, 6 of 1913), Vol. V of this Code.

³ These letters and word were substituted for the word and letter "and (d)" by s. 13 (e) of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

⁴ This section was inserted by s. 14 *ibid.*

⁵ These words were inserted by s. 30 of the City of the Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

Prohibition of fraudulent and unauthorized use of water.

282. (1) No person shall fraudulently dispose of any water supplied to him by the corporation.

(2) No person to whom a private supply of water is furnished by the corporation shall, except when the water supplied is charged for by measurement, permit any person who does not reside on premises in respect of which water tax is paid to carry away water from the premises to which it is supplied.

(3) No person, who does not reside on premises in respect of which water-tax is paid, shall carry away water from any premises to which a private supply is furnished by the corporation, unless, in any case in which such supply is charged for by measurement, he does so with the permission of the person to whom such supply is furnished.

Prohibition of fraud in respect of meters.

283. (1) No person shall fraudulently—

(a) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied;

(b) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

(2) The existence of artificial means under the control of the consumer for causing any such alteration, prevention, abstraction or use shall be evidence that the consumer has fraudulently effected the same.

General Provisions.

Prohibition of wilful or neglectful acts relating to water-works.

284. No person shall wilfully or negligently—

(a) injure or suffer to be injured any meter belonging to the corporation or any of the fittings of any such meter;

(b) break, injure or open any lock, cock, valve, pipe, work or engine appertaining to any municipal water-work;

(c) flush or draw off the water from any such water-work, thereby causing such water to be wasted;

(d) do any act¹ [or suffer any act to be done] whereby the water in or derived from any municipal water-work shall be wasted;

(e) obstruct, divert or in any way injure or alter any water-main or duct.

Compensation to be payable by offenders against section 283 or 284.

285. Compensation shall be paid by the offender for any damage which the corporation sustains by reason of any contravention of section 283 or section 284. —

¹ These words were inserted by s. 15 of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

286. If it shall be shown that an offence against some provision of this Chapter or against some by-law made under this Act at the time in force relating to water-supply has occurred on any premises to which a private supply of water is furnished by the corporation, it shall be presumed, until the contrary is proved, that such offence has been committed by the occupier of the said premises.

Occupier of premises to be primarily liable for certain offences against this Chapter.

287. (1) On the written request of any person who is required under any of the provisions of this Chapter to supply any materials or fittings or to do any work, the Commissioner may, in such person's behalf, supply the necessary materials or fittings, or cause the necessary work to be done ; but he shall not do so in any case to which the provisions of section 493 or 495 will not apply, unless a deposit is first of all made by the said person of a sum which will, in the opinion of the Commissioner, suffice to cover the cost of the said materials, fittings and work.]

When materials and work may be supplied and done under this Chapter for any person by the Commissioner.

(2) [*Repealed by s. 16 Bom. VIII of 1918.*]

¹ **[287A.]** (1) The Commissioner may, if he thinks fit, cause any work described in this Chapter to be executed by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

Commissioner may execute works under this Chapter without allowing option to persons concerned of executing the same.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the corporation shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund.]

² **[287B.]** (1) No person other than a licensed plumber shall execute any work described in this Chapter, and no person shall permit any such work to be executed except by a licensed plumber.

Work under Chapter X to be done by licensed plumber.

(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(3) Where any person causes or permits communication-pipes or fittings or other work necessary for conveying a private supply of water from a municipal water-work into any premises to be laid, applied or executed in contravention of sub-section (1), he shall, in addition to being liable to the

¹ This section was inserted by s. 41 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

² This section was inserted by s. 17 of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

penalty prescribed for such contravention, not be entitled to a connection until the defects, if any, in such work are removed to the satisfaction of the Commissioner.

Power to
supply
water
without
the city.

288. The Commissioner may supply water from a municipal water-work to any local authority or person without the city on such terms as to payment and as to the period and conditions of supply as shall be, either generally or specially, approved by the corporation.

CHAPTER XI.

REGULATION OF STREETS.

Construction, Maintenance and Improvement of Public Streets.

Vesting of
public
streets in
the corpora-
tion.

Powers of
Commission-
er in respect
of public
streets.

289. (1) All streets within the city, being or which at any time become public streets, and the pavements, stones and other materials thereof, shall vest in the corporation and be under the control of the Commissioner.

(2) The Commissioner shall from time to time cause all such streets to be levelled, metalled or paved, channelled, altered and repaired, as occasion shall require; he may also from time to time widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered and may place and keep in repair fences and posts for the safety of foot-passengers: Provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed five thousand rupees, shall be undertaken by the Commissioner unless or until such undertaking has been authorized by the corporation.

(3) With the sanction of the corporation the Commissioner may permanently close the whole or any part of a public street: Provided that such sanction of the corporation shall not be given unless, one month at least before the meeting at which the matter is decided, a notice signed by the Commissioner has been put up in the street or part of a street which it is proposed to close, informing the residents of the said proposal, nor until the objections to the said proposal, if any, made in writing at any time before the day of the said meeting, have been received and considered by the corporation.

Disposal of
land forming
site of closed
streets.

290. Whenever any public street, or part of a public street, is permanently closed under section 289, the site of such street, or of the portion thereof which has been closed, may be disposed of as land vesting in the corporation.